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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

10 JAMES E. WISCHMEIER,

3:13-cv-00504-HDM-WGC

11 Plaintiff,

12 | vs.

13 CARMELA W. COLVIN, Acting  
Commissioner of Social Security

ORDER ADOPTING  
MAGISTRATE JUDGE'S  
REPORT AND  
RECOMMENDATION

**Defendant.**

16 The court has considered the report and recommendation of the  
17 United States Magistrate Judge (#20) filed on September 24, 2014,  
18 in which the Magistrate Judge recommends that plaintiff's motion  
19 for reversal of the Commissioner's decision (#11) be granted, and  
20 that defendant's cross-motion for summary judgment (#18) be denied,  
21 and that the decision of the Administrative Law Judge be reversed.  
22 The court has considered the pleadings and memoranda of the parties  
23 and other relevant matters of record and has made a review and  
24 determination in accordance with the requirements of 28 U.S.C. §  
25 636 and applicable case law, and good cause appearing, the court  
26 hereby

ADOPTS AND ACCEPTS the report and recommendation of the  
United States Magistrate Judge (#20). The plaintiff's motion for  
reversal of the Commissioner's decision (#11) is granted and  
defendant's cross-motion for summary judgment (#18) is denied. The  
case is hereby remanded to the ALJ for the calculation and award of  
benefits.

7 It is so ORDERED.

8 Dated this 30th day of December, 2014.

10 Howard D. McElhaney  
11 UNITED STATES DISTRICT JUDGE